

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL JAMES LONGORIO,

Plaintiff,

No. CIV S-04-2650 DFL KJM P

vs.

B. JACOT, et al.,

Defendants.

ORDER

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Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On December 20, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Plaintiff thereafter secured an extension of time in which to file objections. Both parties have filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the

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1 entire file, the court finds the findings and recommendations to be supported by the record and by  
2 proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed December 20, 2006 are adopted in  
5 full; and

6 2. Defendants' motion to dismiss the complaint is granted as to defendants  
7 Nergenah, Jacot and Swearington, and denied as to defendants Peterson and Sahota.

8 DATED: March 16, 2007

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10 /s/ David F. Levi  
11 UNITED STATES DISTRICT JUDGE

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